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APR 30 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re Application of
Cathy D. Santa Cruz et al.
Application No.09/771,457
Filed: January 18, 2001
For: VERTICAL TELESCOPIC
STAGE ACCESSORIES
DEVICE

:
: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMENT

This is in reply to applicants' communication, filed in the United States Patent and Trademark Office on July 17, 2003. This document is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

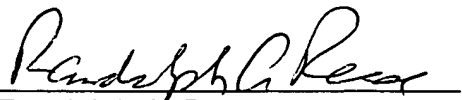
A review of the file record indicates that the application was held abandoned for failure to timely respond to the letter of Informal Amendment mailed November 6, 2002.

The requirements for filing a grantable petition in the case of a correspondence mailed using "Express Mail" and never received by the Office are outlined in 37 CFR 1.10(e) and include the following:

- (A) Be filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
- (B) Include a showing that the "Express Mail" mailing label was placed on each piece of correspondence prior to original mailing;
- (C) Include a true copy of the originally deposited correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned post card receipt, a copy of the "Express Mail" mailing label showing the "date-in" or other official notation entered by the USPS; and
- (D) Include a statement, signed by the person who deposited the documents as "Express Mail" with the USPS, setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying the petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

In this case, applicants' petition lacks item (D). A statement signed by the person who signed the Express Mail receipt, attesting on a personal knowledge basis to the timely transmission of the response on the date indicated on the Express Mail receipt is required.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



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RAR/ekn 4/29/04